

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

NORMA CRUZ-NUNEZ,

Plaintiff,

-vs-

KIMCO CORPORATION,

Defendant.

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Case No. 08 C 3841

**AGREED MOTION FOR EXTENSION OF TIME  
TO ANSWER OR OTHERWISE PLEAD**

Defendant, Kimco Corporation (“Kimco”), by its attorneys, Martin B. Carroll and Keli M. Videtto, and Plaintiff, Norma Cruz-Nunez (“Cruz-Nunez”), by her attorney, Rafael Molinary, move this Court for additional time, up to and including, October 6, 2008, to answer or otherwise plead to plaintiff’s Complaint and to reschedule the initial status hearing to a date after October 6, 2008. In support of its Motion, Kimco states as follows:

1. On July 7, 2008, Cruz-Nunez filed her *pro se* Complaint of Employment Discrimination.

2. On August 25, 2008, attorney Rafael Molinary appeared on behalf of Cruz-Nunez.

3. Kimco was served with the Complaint sometime during the week of August 25, 2008.

4. Pursuant to this Court’s minute order, entered by this Court before Kimco was served with the Complaint, the parties were to have conducted a Rule 26(f)

conference and submitted a Joint Initial Status Report to the Court prior to the initial status hearing of September 9, 2008.

5. Because Kimco was served in this matter just a week ago, the parties have been unable to schedule a Rule 26(f) conference or prepare an Initial Joint Status Report.

6. Therefore, Kimco respectfully requests additional time, up to and including October 6, 2008, to answer or otherwise plead to plaintiff's Complaint.

7. The parties also request that the Court grant them additional time to schedule and complete their Rule 26(f) conference and, thereafter, timely submit their Initial Status Report to the Court.

8. To that end, the parties request that the Court reschedule the initial status hearing to a date after October 6, 2008.

9. This request is made in good faith and not for the purpose of unduly delaying the resolution of this matter.

10. Counsel for Kimco, Martin B. Carroll, spoke with counsel for Cruz-Nunez, and Cruz-Nunez's counsel has agreed to the matters requested herein.

WHEREFORE, Defendant, Kimco Corporation, and Plaintiff, Norma Cruz-Nunez, respectfully requests the Court

- a. grant Kimco additional time, up to and including October 6, 2008, to file its responsive pleading;
- b. grant the parties additional time to schedule and complete their Rule 26(f) conference, up to and including October 6, 2008;
- c. reschedule the initial status hearing for a date after October 6; and
- d. such other and further relief as the Court deems just and proper.

**KIMCO CORPORATION**

By: /s/Keli M. Videtto  
One of its Attorneys

Martin B. Carroll

Keli M. Videtto

**FOX, HEFTER, SWIBEL, LEVIN & CARROLL, LLP**

200 West Madison Street, Suite 3000

Chicago, Illinois 60606

(312) 224-1200

Dated: September 4, 2008

**IN THE UNITED STATES DISTRICT COURT  
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EASTERN DIVISION**

**NORMA CRUZ-NUNEZ**

**Plaintiff,**

**v.**

**KIMCO CORPORATION,**

**Defendants.**

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**No. 08 C 3841**

**Judge Der-Yeghiayan**

**CERTIFICATE OF SERVICE**

I certify that on September 4, 2008, I caused a true and correct copy of Agreed Motion for Extension of Time to Answer or Otherwise Plead to be served upon the attorneys listed below via ECF electronic delivery:

Rafael Molinary  
3930 North Pine Grove Avenue  
Suite 715  
Chicago, Illinois 60613

/s/ Keli M. Videtto

Martin B. Carroll  
Keli M. Videtto  
Tracy Katz-Muhl  
**FOX, HEFTER, SWIBEL, LEVIN & CARROLL, LLP**  
200 West Madison Street, Suite 3000  
Chicago, Illinois 60606  
Telephone: (312) 224-1200  
Facsimile: 312-224-1201

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One of its Attorneys

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